

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:09CR423
)	
vs.)	ORDER
)	
JOSE ALVIDREZ VIRGEN,)	
)	
Defendant.)	

This matter is before the court on the oral motion of defendant Jose Alvidrez Virgen (Virgen) for an extension of the pretrial motion deadline. The motion was made during the arraignment on January 6, 2010. The government had no objection to the motion. Virgen acknowledged the additional time needed for his motion would be excluded under the calculations under the Speedy Trial Act. The oral motion was granted.

IT IS ORDERED:

1. The motion for an extension of the pretrial motion deadline is granted.
2. Virgen is given until **on or before February 5, 2010**, in which to file pretrial motions pursuant to the progression order.
3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **from January 6, 2010 to February 5, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 7th day of January, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge